

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13044, of Solomon Temple, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the floor area ratio requirements (Sub-section 5301.1) to construct a second floor addition to a church in a C-1 District at the premises 2931 - 12th Street, N.E. (Square 3934, Lot 27).

HEARING DATE: September 19, 1979

DECISION DATE: October 3, 1979

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of 12th and Hamlin Streets, N.E. It is known as 2931 - 12th Street, N.E. and is in a C-1 District.
2. The subject lot is 3675 square feet in area and is improved with a one story brick building that is used as a church. The site is rectangular in shape.
3. The applicant proposes to construct a second floor addition to the church.
4. The present building comprises 3150 square feet. The proposed addition will contain 2450 square feet. Under the Zoning Regulations, the maximum permitted FAR in a C-1 District is 1.0. The applicant's proposal will result in a total FAR of 5600 square feet. The applicant seeks a variance from the FAR requirements of 1925 square feet or fifty-two per cent.
5. The subject church has a membership of approximately twenty-six adults and sixteen children. The applicant testified that if the proposed addition is approved, the number of parish-ioners would grow since there would be a larger auditorium to accommodate them.
6. The site is rectangular in shape and exhibits no extraordinary or exceptional condition or situation.
7. The applicant presented no evidence or testimony that any condition of the property created a practical difficulty for the applicant if the Zoning Regulations were strictly applied.

8. Brookland Civic Association and many individual property owners living in the immediate area of the subject church who are members of the Brookland Civic Association opposed the application. The abutting property owners complained of the noise and debris caused by the subject church and that a second story addition would block out the light from their properties. Other neighbors complained that a second story addition would block their views. All of the neighbors complained that the members of the applicant's church used their parking spaces in the evenings and on weekends. The opposition in general, testified that the subject church did not participate in community affairs, was not interested in the community's concerns about parking, noise and debris and that a store front church such as the applicant's church was shabby looking and had an adverse affect on the community, such as decreasing the value of other properties in the neighborhood. A petition of some forty-six signatures in opposition to the application was filed in the record.

9. Advisory Neighborhood Commission - 5A, which is the ANC for property located directly across Hamlin Street to the north, opposed the application. It supported the views of the Brookland Civic Association members. The Board is sympathetic to the views and concerns expressed by the members of the immediate neighborhood and the ANC. The Board is also aware that under the Zoning Regulations, the applicant could under certain conditions construct a second story addition in this C-1 District as a matter of right. For reasons hereinafter discussed under the Conclusions of Law, the Board will address directly why the relief sought cannot be granted, reasons more persuasive than those listed in finding No. 8.

10. Advisory Neighborhood Commission - 5C, the ANC within which the property is located, did not submit a report to the Board on this case.

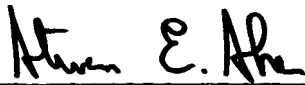
CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty stemming from the property itself. The Board concludes that there is no practical difficulty inherent in the property. The site is rectangular in shape. The difficulty lies in the plans of the applicant. The addition of 2,450 square feet is too large for the site. It requires a variance of 1925 square feet or fifty-two per cent. This is by no means a minimal variance. The applicant can adapt his plans for an addition that will suit the subject property. The Board concludes that to grant such a great variance would substantially impair the intent, purpose and integrity of the zone plan for a C-1 District. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to DENY; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 4 JAN 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICES AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.